

REMARKS

Claims 1, 3, 5-15, 18-26 and 28-29 remain in the present application. Claims 2, 4, 16-17 and 27 have been cancelled from this case. No new matter has been added by the instant amendment.

Claims 1-29 were rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the expression "capable of producing a Schulz-Flory of less than about 0.8" in claim 1 was cited as being indefinite since it is allegedly "unclear [that] this capability would function in the claimed process or not." Applicants have amended claim 1 to replace the phrase "capable of producing" with the word "exhibits." The word "constant" was also inserted after the phrase "Schulz-Flory" in claim 1. Support for these amendments to claim 1 is found in paragraph [0031] bridging pages 10-11 in the instant specification. This should clarify the teaching of claim 1.

The Examiner also asserted that it is unclear which organometallic catalysts have the characteristic of having a "Schulz-Flory constant of less than 0.8 as observed for ethylene oligomerization." Claim 1 has been further amended to list specific types of transition-metal based catalysts (see below) originally taught in now cancelled claim 17 hereof. This amendment should clarify the Examiner's understanding.

It is further asserted that the identification of certain catalysts makes claims 17, 21, 24 and 27 indefinite since these terms may be tradenames and the word "type" is unacceptable in patent claims. Claims 17 and 27 have been cancelled from the instant application. Each of the terms at issue have been amended as follows in claim 1:

"Brookhart type" has been replaced with "metal (II) α -diimine complexes" and has support on pages 12-14 of the instant specification; "NiBBIM" has been replaced with "pseudotetrahedral nickel complexes" and has support in paragraph [0019] on page 8 of the instant specification; and "SHOP catalysts" have been replaced with "neutral nickel (II) complex bearing bidentate monoanionic ligands" and has support in paragraph [0009] on page 4 and paragraph [0061] on page 24 of the instant specification. These amendments should obviate the rejection of the above-referenced claims.

Incidentally, applicants respectfully note that the term "NiBBIM" referenced above is merely an abbreviation for Nickel-bis-benzimidazol, which is disclosed throughout the instant specification.

Claims 21, 22, 24 and 27 were rejected as being indefinite since the catalysts recited in these claims are allegedly not positively selected to use for the claimed process. Claim 27 has been deleted from the current case. As for claims 21, 22 and 24, applicants wish to point out that the catalysts recited therein are merely limitations on the catalysts taught in amended claim 1. Additionally, if applicants' interpretation of this rejection is not correct, then applicants kindly request clarification of this rejection of claims 21, 22 and 24.

The above arguments and cited amendments should obviate the rejection under the second paragraph of 35 U.S.C. §112.

Regarding the other amendments to the claims, claims 2, 4 and 27 were cancelled because their teachings are already recited in claim 1.


Claims 16 and 17 were deleted because the teachings of claim 17 were inserted into claim 1.

In view of the foregoing comments and amendments, applicants kindly request reconsideration of the application. Applicants believe the case is now in condition for allowance and respectfully request the Examiner to pass the case to issue at an early date.

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Respectfully submitted,

OCT 10 2003


Joseph C. Wang
Attorney for Applicant(s)
Registration No. 44,391
Telephone No. (908) 730-3665

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☒ Pursuant to 37 CFR 1.34(a)

ExxonMobil Research and Engineering Company
P. O. Box 900 / Clinton Township
Annandale, New Jersey 08801-0900

JCW:dws
October 10, 2003